

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA

(1) ANDREW CHABALLA, as
Next of Kin of LAVERNE SOMERS,
Deceased, and ANDREW
CHABALLA as Administrator of the
Estate of LAVERNE SOMERS

Plaintiffs,

v.

Case No. 5:22-cv-00772-F

(1) SP HEALTHCARE
MANAGEMENT LLC

(2) MIDWEST GERIATRIC
MANAGEMENT, LLC

(3) JUDAH BIENSTOCK

Defendants.

**PLAINTIFFS' NOTICE OF (1) AGREED ALLOCATION OF SETTLEMENT
PROCEEDS BETWEEN ALL WRONGFUL DEATH HEIRS OF LAVERNE
SOMERS AND (2) WITHDRAWAL OF [DOC. 48]**

1. Plaintiff Andrew Chaballa advises the Court that he and his half-sisters Laura Sherman and Linda Sherman have finalized an apportionment agreement regarding the allocation of settlement proceeds at issue in [Doc. 48].
2. Executed settlement releases have been provided to the defendants along with all other required settlement related documents.

3. Thus, Plaintiff Andrew Chaballa withdraws [Doc. 48.], and requests that the Court again administratively close this case.

4. The settlement agreement sets for the following payment plan of settlement proceeds:

- a. The first payment is paid within 30 days after Defendants' receipt of this executed Agreement, the final payment letter from CMS, Plaintiff's W-9.
- b. The second payment will be paid 30 days after the first payment.
- c. The third payment will be paid 30 days after the second payment.
- d. The fourth payment will be paid 30 days after the third payment.
- e. The fifth and final payment will be paid 30 days after the fourth payment

5. As a result, Plaintiff Andrew Chaballa requests that the Court permit him to wait to file a stipulation of dismissal with prejudice until the fifth and final payment have been made by the defendants.

Respectfully submitted,

/s/ Ryan J. Fulda

Ryan J. Fulda
OK Bar Number: 21184
Fulda Law, PLLC
1800 South Baltimore Avenue, Suite 420
Tulsa, Oklahoma 74119
Phone & Fax: (918) 550-8109
rfulda@fuldalaw.com

/s/Jonathan Steele

Jonathan Steele, KS #24852
Admitted Pro Hac Vice
STEELE LAW FIRM II LLC
2029 Wyandotte, Suite 100
Kansas City, MO 64108
Phone: (816) 466-5947
jonathan@nursinghomeabuselaw.com

Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that the below-signed Attorney signed the original of the above and foregoing and is maintaining the original copy at said Attorney's office, and that on August 23, 2024 a copy of the above and foregoing was forwarded for service to a Court appointed process server.

/s/ Jonathan Steele

Attorney for Plaintiff(s)